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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,340	08/06/2003	Shigeyuki Nagata	500615.20201	8079

7590 12/30/2004

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EXAMINER

CAPUTO, LISA M

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/635,340	<b>Applicant(s)</b> NAGATA ET AL.	
	<b>Examiner</b> Lisa M Caputo	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed 30 September 2004.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugimoto et al. (U.S. Patent No. 4,803,349, from hereinafter "Sugimoto").

Sugimoto teaches a card read/write device. Sugimoto discloses a magnetic card transaction apparatus (main body of the card read/write device 1) that comprises a card slot from which a magnetic card is inserted (card insertion inlet 2), a card transferring mechanism that takes in the magnetic card inserted from the card slot (card transportation mechanism comprising a pair of upper and lower endless belts and a motor Mo for driving transportation belts 61 and 62), and a detector (device 7 for writing and reading information onto and off of a card, that is, a magnetic head for writing and reading information onto and off of a card as recited in claims 22, 24, and 28) that detects a first condition wherein the magnetic card is inserted from the card slot, the detector further operable to detect, after the first condition is detected, a second condition wherein the output of the detector is reduced to substantially zero or is lowered, wherein after the detector detects the second condition, the card transferring

Art Unit: 2876

mechanism is driven to take in the magnetic card. Further, regarding claim 23, Sugimoto in addition teaches an inlet sensor 3 and a shutter which opens or closes a card guiding path guiding the magnetic card inserted from the card slot to the card transferring mechanism (shutter 4, which is actuated by a solenoid SOL (the shutter controller of the instant application) to open or close the inlet passage). Regarding claims 27 and 29, Sugimoto further teaches a drive control circuit that drives the card transferring mechanism to transfer the magnetic card into the guiding path after the detector detects that the magnetic card arrives at the card transferring mechanism (transportation mechanism driving sensor 5 and circuitry therefore) (see Figure 1, col 2, lines 1-12).

More specifically, and regarding claims 30-33, when the user inserts his or her card A into card insertion inlet 2, the inlet sensor 3 is actuated (S1) so that a protective time T (not shown) is actuated (S2). After about one or two seconds, the solenoid SOL is energized (S3) so that the shutter is forced to move upwardly, whereby the card passage is opened (as recited in claims 25-26 of the instant application). When the user pushes the card A again, the leading end of the card A actuates the driving sensor 5 (S4) so that the motor MO is rotated in one direction, whereby the card A is transported to the right direction in Figure 1. When the card A passes the driving sensor 5, the latter is turned off (S6) and the solenoid SOL is de-energized (S7) so that the shutter is closed. The motor Mo is kept rotating in one direction so that the card A is transported in the right direction. During the transportation of the card A, the information stored on the card is read out (detected by magnetic head 7) (S111) and

Art Unit: 2876

when the END mark is detected (S102), the motor MO is de-energized (S103) and whether or not an amount of money sufficient for sales of goods or service is read out from the card A is detected (S104). This step, where the motor is de-energized, causes a temporary suspension of the insertion of the magnetic card. If the amount of money is not sufficient, the solenoid SOL is energized to open the shutter and to cause the motor Mo to move in the other direction (S10), whereby the card A is transported backwardly to the insertion inlet. When the driving sensor 5 is turned on (S11) and then turned off (S12), the motor Mo is de-energized so that the transportation of the card A is interrupted (S13) and the solenoid SOL is de-energized (S14) to close the shutter. In this case, the shutter is placed upon the end portion of the card A so that when the card A is pulled out, the sensor 3 is turned off (S15) and consequently the device is returned to its standby state. When the motor moves in the other direction, the card moves in the reverse direction temporarily (see Figures 1-3, col 2, lines 13-51).

### ***Response to Arguments***

3. Applicant's arguments filed 30 September 2004 have been fully considered but they are not persuasive.
4. In response to applicant's arguments that the inlet sensor 3 of Sugimoto at best can only detect a first condition of detecting the presence of the card, more specifically that the output of the sensor 3 is either actuated or un-actuated, and that the device does not monitor the decreasing output of the sensor, examiner respectfully disagrees and submits that, as claimed, Sugimoto does indeed meet the limitations because the claim limitation recites that "the output of the detector is reduced to substantially zero or

Art Unit: 2876

is lowered," and it is interpreted that substantially zero is the un-actuated state, and hence the output had to have decreased from the actuated state when determining the presence of the card.

In response to applicant's argument that the magnetic head 7 of Sugimoto does not correspond to the detector 7 of the present invention because it is claimed that the magnetic head 7 is positioned before the transferring mechanism in claim 21, examiner respectfully disagrees and submits that claim 21 does not clearly recite where the detector is positioned, and that the magnetic head 7 of Sugimoto does indeed detect the conditions.

In response to applicant's arguments that Sugimoto only detects the presence of the card and not whether the card is in contact with the shutter as recited in claim 23, applicant respectfully disagrees and submits that the detection of the presence is indeed a form of contact with the shutter since communication is made between the shutter and the card.

In response to applicant's arguments that the sensor 5 of Sugimoto does not detect the arrival of the card as recited in claim 27, examiner respectfully disagrees and submits that even though the sensor senses the card after the additional push as pointed out by the applicant, the sensor is indeed detecting the arrival of the card since the card is eventually getting to the sensor.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are

Art Unit: 2876

unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [lisa.caputo@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMC

December 22, 2004

  
MICHAEL G. LEE  
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